

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA OF
SOUTHERN DIVISION

TRAVIS E. CUMMINGS,)	
)	
Plaintiff,)	
v.)	CASE NO. 1:05-cv-1093-F
)	WO
LARRY K. ANDERSON, <i>et al.</i> ,)	
)	
Defendants.)	

ORDER

After an independent review of the file, it is the ORDER, JUDGMENT and DECREE of the court that:

1. The plaintiff's objection (Doc. #5) to the Recommendation of the Magistrate Judge (Doc. #4) filed on December 1, 2005 is overruled;

2. The Recommendation of the Magistrate Judge entered on November 21, 2005 is adopted;

3. The § 1983 claims presented against Judge Larry K. Anderson, Doug Valeska, the Houston County District Attorney's Office, Martin Adams and Mr. Stinsland are DISMISSED with prejudice in accordance with the directives of 28 U.S.C. § 1915(e)(2)(B)(i) and (iii).

4. The plaintiff's challenge to the constitutionality of the conviction and sentence imposed upon him by the Circuit Court of Houston County, Alabama, for breaking and entering a vehicle is DISMISSED without prejudice pursuant to the provisions of 28 U.S.C. § 1915(e)(2)(B)(ii).

5. This case is DISMISSED prior to service of process in accordance with the directives of 28 U.S.C. § 1915(e)(2)(B)(i), (ii) and (iii)

DONE this 7th day of December, 2005.

/s/ Mark E. Fuller
CHIEF UNITED STATES DISTRICT JUDGE